

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 168

BOARD OF OPTOMETRY

Subchapter 1

Organizational Rule

Rule 24.168.101 Board Organization

Subchapter 2

Procedural Rules

Rule 24.168.201 Procedural Rules

24.168.202 Citizen Participation Rules

24.168.203 Board Meetings

Subchapter 3

Definitions

Rule 24.168.301 Definitions

Subchapter 4

General Provisions

Rule 24.168.401 Fee Schedule

24.168.402 Licensure by Examination

24.168.403 Fee Abatement

Rule 24.168.404 reserved

24.168.405 Examinations (REPEALED)

Rules 24.168.406 and 24.168.407 reserved

24.168.408 Licensure by Endorsement

Rules 24.168.409 and 24.168.410 reserved

24.168.411 General Practice Requirements

DEPARTMENT OF LABOR AND INDUSTRY

Rules 24.168.412 through 24.168.420 reserved

Rule 24.168.421 Optometrist's Role in Postoperative Care

Subchapters 5 and 6 reserved

Subchapter 7

Diagnostic Pharmaceutical Agents

Rule 24.168.701 Approved Courses and Examinations (REPEALED)

Rules 24.168.702 and 24.168.703 reserved

24.168.704 New Licensees (REPEALED)

Rules 24.168.705 through 24.168.710 reserved

24.168.711 Ophthalmological Diagnostic Permissible Drugs

Subchapter 8 reserved

Subchapter 9

Therapeutic Pharmaceutical Agents

Rule 24.168.901 Approved TPA Course

Rules 24.168.902 and 24.168.903 reserved

24.168.904 Applicants for Licensure (REPEALED)

Rules 24.168.905 and 24.168.906 reserved

24.168.907 Therapeutic Pharmaceutical Agents (REPEALED)

Rules 24.168.908 through 24.168.910 reserved

24.168.911 Ocular Therapeutic Approved Drugs

Subchapters 10 through 20 reserved

## OPTOMETRY

### Subchapter 21

#### Continuing Education and Renewals

- Rule 24.168.2101 Continuing Education Requirements  
Rules 24.168.2102 and 24.168.2103 reserved
- 24.168.2104 Approved Programs or Courses  
Rules 24.168.2105 through 24.168.2114 reserved
- 24.168.2115 Renewals

Subchapter 22 reserved

### Subchapter 23

#### Unprofessional Conduct

- Rule 24.168.2301 Unprofessional Conduct  
Rules 24.168.2302 and 24.168.2303 reserved
- 24.168.2304 Complaint Procedure (REPEALED)  
Rules 24.168.2305 and 24.168.2306 reserved
- 24.168.2307 Screening Panel

## Sub-Chapter 1

## Organizational Rule

24.168.101 BOARD ORGANIZATION (1) The board of optometry hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in Chapter 1 of this title. (History: 37-10-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2003 MAR p. 2083.)

## Sub-Chapter 2

## Procedural Rules

24.168.201 PROCEDURAL RULES (1) The board of optometry hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in Chapter 2 of this title. (History: 37-10-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2003 MAR p. 2083.)

24.168.202 CITIZEN PARTICIPATION RULES (1) The board of optometry hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in Chapter 2 of this title. (History: 37-10-202, MCA; IMP, 2-3-103, MCA; NEW, Eff. 11/25/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2003 MAR p. 2083.)

24.168.203 BOARD MEETINGS (1) The board may convene at any time or place for purposes of transacting business. The president shall call such meeting and name the time and place, and give notice to each member of the board as much in advance of the meeting as possible.

(2) A majority of the board may request a special meeting at any time or place and the president must call said meeting upon receipt of said written request. (History: 37-10-201, 37-10-202, MCA; IMP, 37-10-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083.)

## Subchapter 3

## Definitions

24.168.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) "ACOE" means the Accreditation Council on Optometry Education of the American Optometric Association.

(2) "ARBO" means the Association of Regulatory Boards of Optometry.

(3) "Anterior segment of the eye" means that part of the eye anterior to the vitreous face.

(4) "Board" means the Board of Optometry as defined in 2-15-1736, MCA.

(5) "Department" means the Department of Labor and Industry as defined in 2-15-1701, MCA.

(6) "DPA" means certification by the board in diagnostic pharmaceutical agents.

(7) "NBEO" means the National Board of Examiners in Optometry.

(8) "TMOD" means the Treatment and Management of Ocular Disease multiple choice examination administered by NBEO.

(9) "TPA" means certification by the board in therapeutic pharmaceutical agents. (History: 37-10-202, MCA; IMP, 37-10-101, 37-10-103, 37-10-304, MCA; NEW, 1993 MAR p. 398, Eff. 3/26/93; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

## Subchapter 4

## General Provisions

24.168.401 FEE SCHEDULE

- |                                     |       |
|-------------------------------------|-------|
| (1) Application by examination      | \$175 |
| (2) Annual renewal                  | 125   |
| (3) Endorsement application         | 300   |
| (4) TPA certificate application fee | 75    |

(5) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-131, 37-1-134, 37-10-202, MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-10-302, MCA; NEW, 1982 MAR p. 1390, Eff. 7/16/82; AMD, 1985 MAR p. 349, Eff. 4/12/85; AMD, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1993 MAR p. 2121, Eff. 9/17/93; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1998 MAR p. 925, Eff. 4/17/98; AMD, 2003 MAR p. 558, Eff. 3/28/03; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2005 MAR p. 651, Eff. 4/29/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08.)

24.168.402 LICENSURE BY EXAMINATION (1) All applicants for licensure

by examination shall submit a completed application.

(2) The application material must include the following:

- (a) verification of successful passage of all parts of the national optometry examination administered by the NBEO with scores sent directly from the examination agency;
- (b) verification of passage of the TMOD examination;
- (c) verification of graduation with a transcript sent directly from the college, university, or institution approved by the ACOE, and recognized by ARBO, in which the practice and science of optometry is taught;
- (d) license verifications from all states where a licensee has held or holds a license;
- (e) a copy of a self-query of the National Practitioners Data Bank and the Healthcare Integrity Data Bank;
- (f) three affidavits from individuals not related to the applicant attesting to the good moral character of the applicant; and
- (g) the appropriate fee.

(3) Applicants shall read and understand the statutes and rules of the board for compliance with their profession.

(a) Proof of an applicant's familiarity with the board statutes and rules is evidenced by attestation on the application. (History: 37-1-131, 37-10-202, MCA; IMP, 37-1-131, 37-10-301, 37-10-302, MCA; Eff. 12/31/72; AMD, Eff. 6/4/74; AMD, Eff. 8/4/74; AMD, 1978 MAR p. 725, Eff. 5/26/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1582, Eff. 9/26/86; AMD, 1991 MAR p. 1485, Eff. 8/16/91; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08.)

24.168.403 FEE ABATEMENT (1) The Board of Optometry adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2007 MAR p. 296, Eff. 3/9/07.)

Rule 24.168.404 reserved

24.168.405 EXAMINATIONS (REPEALED) (History: 37-10-202, MCA; IMP, 37-10-201, 37-10-302, MCA; Eff. 12/31/72; AMD, Eff. 6/4/74; AMD, Eff. 8/4/74; AMD, 1978 MAR p. 725, Eff. 5/26/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 318, Eff. 2/24/89; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1991 MAR p. 1485, Eff. 8/16/91; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.406 and 24.168.407 reserved



24.168.408 LICENSURE BY ENDORSEMENT (1) All applicants for licensure by endorsement shall submit a completed application.

(2) The application shall include the following:

(a) verification of successful passage of all parts of the national optometry examination administered by the NBEO with scores sent directly from the examination agency;

(b) verification of passage of the TMOD examination;

(c) verification of graduation with a transcript sent directly from the college, university, or institution approved by the ACOE, and recognized by ARBO, in which the practice and science of optometry is taught;

(d) license verifications from all states where a licensee has held or holds a license;

(e) a copy of a self-query of the National Practitioners Data Bank and the Healthcare Integrity Data Bank;

(f) three affidavits from individuals not related to the applicant attesting to the good moral character of the applicant;

(g) any other information the board may require; and

(h) the appropriate fee.

(3) Applicants not meeting the qualifications of (2)(a), (b), or (c) shall be reviewed by the board on a case-by-case basis.

(4) If an applicant was licensed prior to the inclusion of TMOD in the NBEO examination (1993), the applicant shall:

(a) provide proof of successful completion of a qualifying examination, or examinations, as defined in 37-10-304, MCA, administered by the licensing authority of the state or jurisdiction granting the license; and

(b) meet all qualifications to be TPA and DPA certified.

(5) Applicants shall read and understand the statutes and rules of the board for compliance with their profession.

(a) Proof of an applicant's familiarity with the board statutes and rules is evidenced by attestation on the application. (History: 37-1-131, 37-10-202, MCA; IMP, 37-1-304, MCA; NEW, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1998 MAR p. 925, Eff. 4/17/98; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08.)

Rules 24.168.409 and 24.168.410 reserved

24.168.411 GENERAL PRACTICE REQUIREMENTS (1) Optometrists may conduct a practice in or at any desired location, under the following conditions:

(a) the practice must be owned and under the direct supervision of an optometrist with valid Montana certificate of registration, except that a duly licensed optometrist is not prohibited from associating with other duly licensed optometrists and/or medical doctors for the purpose of practicing optometry in the following manners:

(i) a professional partnership;  
(ii) a professional corporation, pursuant to 35-4-101, et seq., MCA;  
(iii) a professional limited liability company, pursuant to 35-8-1301, et seq., MCA, in which all managers or shareholders are licensed to practice optometry or medicine; or

(iv) a trust in which both the trustor and any trustees are licensed to practice optometry or medicine; and

(b) all professional signs and advertising, etc., must include the optometrist's name and the title "Optometrist," "Doctor of Optometry," or initials "O.D."

(2) The board will consider all advertising appearing over the signature of an individual as having been inserted and approved by that individual, and will hold the individual responsible for such advertising. If advertising appears over the signature of a company, firm, or corporation, all the individual officers or partners of the organization will be considered individually responsible for such advertising.

(3) Each licensed optometrist must maintain accurate patient records for not less than five years from the last time the patient was treated. (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-301, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1390, Eff. 7/16/82; AMD, 1983 MAR p. 1717, Eff. 11/26/83; AMD, 1986 MAR p. 1582, Eff. 9/26/86; AMD, 1988 MAR p. 1811, Eff. 8/12/88; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1995 MAR p. 1415, Eff. 7/28/95; AMD, 1997 MAR p. 305, Eff. 2/11/97; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07; AMD, 2008 MAR p. 2181, Eff. 10/10/08.)

Rules 24.168.412 through 24.168.420 reserved

24.168.421 OPTOMETRIST'S ROLE IN POSTOPERATIVE CARE (1) A licensed optometrist may provide postoperative and/or follow-up care for any patient who has undergone any ocular surgical procedure. The optometrist may deliver postoperative and/or follow-up care after consultation with the surgeon and the patient. (History: 37-10-202, MCA; IMP, 37-10-101, MCA; NEW, 1993 MAR p. 398, Eff. 3/26/93; TRANS, from Commerce, 2003 MAR p. 2083.)

Subchapters 5 and 6 reserved

## Subchapter 7

## Diagnostic Pharmaceutical Agents

24.168.701 APPROVED COURSES AND EXAMINATIONS (REPEALED)

(History: 37-10-202, MCA; IMP, 37-10-304, MCA; NEW, 1979 MAR p. 382, Eff. 4/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 2176, Eff. 12/14/90; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.702 and 24.168.703 reserved

24.168.704 NEW LICENSEES (REPEALED) (History: 37-10-202, MCA;

IMP, 37-10-304, MCA; NEW, 1979 MAR p. 382, Eff. 4/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1999 MAR p. 511, Eff. 3/26/99; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.705 through 24.168.710 reserved

24.168.711 OPHTHALMOLOGICAL DIAGNOSTIC PERMISSIBLE DRUGS

(1) Upon licensure or certification, the permissible drugs are as follows:

- (a) Mydriatics;
- (b) Cycloplegics;
- (c) Topical anesthetics; and

(d) Miotic, only in the event of an emergency and after consultation with physician. (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-101, 37-10-103, 37-10-304, MCA; NEW, 1979 MAR p. 382, Eff. 4/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1990 MAR p. 2176, Eff. 12/14/90; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Subchapter 8 reserved

## Subchapter 9

## Therapeutic Pharmaceutical Agents

24.168.901 APPROVED TPA COURSE (1) An approved course, as referred to in 37-10-304(2)(a)(ii), MCA, shall consist of a minimum of 100 hours of didactic classroom and clinical instruction. (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-304, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.902 and 24.168.903 reserved

24.168.904 APPLICANTS FOR LICENSURE (REPEALED) (History: 37-10-202, MCA; IMP, 37-10-304, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1993 MAR p. 2121, Eff. 9/17/93; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.905 and 24.168.906 reserved

24.168.907 THERAPEUTIC PHARMACEUTICAL AGENTS (REPEALED) (History: 37-1-131, 37-1-319, 37-10-202, MCA; IMP, 37-1-131, 37-10-103, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1994 MAR p. 153, Eff. 1/28/94; AMD, 1999 MAR p. 2760, Eff. 12/3/99; AMD, 2002 MAR p. 1551, Eff. 5/31/02; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.908 through 24.168.910 reserved

24.168.911 OCULAR THERAPEUTIC APPROVED DRUGS (1) The board hereby approves the following drugs for the use in ocular treatment limited to the anterior segment of the eye and adnexa:

- (a) anti-infective agents, including:
  - (i) antibiotic;
  - (ii) antiviral;
  - (iii) antifungal; and
  - (iv) antiparasitic;
- (b) autoimmune agents, including:
  - (i) antiallergy;
  - (ii) antihistamines;
  - (iii) decongestants;
  - (iv) mast cell stabilizers; and
  - (v) antianaphylaxis;
- (c) analgesics;
- (d) anti-inflammatory agents;
- (e) antiglaucoma agents;
- (f) hyperosmotic agents;
- (g) autonomic agents; and
- (h) over the counter agents. (History: 37-1-131, 37-10-202, MCA; IMP, 37-10-101, 37-10-103, 37-10-304, MCA; NEW, 1987 MAR p. 2234, Eff. 12/11/87; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1994 MAR p. 153, Eff. 1/28/94; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Subchapters 10 through 20 reserved

## Subchapter 21

## Continuing Education and Renewals

**24.168.2101 CONTINUING EDUCATION REQUIREMENTS** (1) Each licensed optometrist shall obtain a minimum of 36 hours of continuing education every two years in scientific clinics, forums, or optometric educational studies approved by the board. The board will accept:

(a) up to four hours of practice management continuing education credit every two years; and

(b) twelve hours of credit for approved continuing education correspondence courses or Internet courses every two years.

(2) A person who graduates from an accredited school of optometry and becomes a licensee within one year of graduation is excused from the continuing education requirement during the first year the person is a licensee.

(3) A licensee who is enrolled in a residency program accredited by the ACOE is excused from the continuing education requirement while the licensee is in the residency program and for the year in which the licensee successfully completed the residency program.

(4) The board may conduct random audits of 20 percent of all renewed licensees. It is the responsibility of each optometrist to maintain the optometrist's own records of participation and completion, and make them available upon request.

(a) Random audits will be conducted in odd-numbered years. (History: 37-1-141, 37-1-319, 37-10-202, MCA; IMP, 37-1-141, 37-1-306, MCA; Eff. 12/31/72; AMD, Eff. 8/4/74; AMD, 1979 MAR p. 738, Eff. 7/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1390, Eff. 7/16/82; AMD, 1986 MAR p. 1582, Eff. 9/26/86; AMD, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1999 MAR p. 511, Eff. 3/26/99; AMD, 2002 MAR p. 1550, Eff. 5/31/02; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.2102 and 24.168.2103 reserved

24.168.2104 APPROVED PROGRAMS OR COURSES (1) Educational programs approved by the board shall be affiliated with national, regional, or state optometric associations, academies, colleges of optometry or approved by the ARBO's Council on Optometric Practitioner Education (COPE).

(a) Any other continuing education course(s) not covered in (1) must be submitted by the licensee and have prior approval by the board. Any course not submitted to the board and approved prior to attendance shall not be allowed for credit. The course program or syllabus, and information on the credentials and qualifications of the course presenter must accompany the application approval form.

(2) Continuing education courses offered and completed on the Internet or via other similar electronic means must comply with all the requirements in (1). (History: 37-1-131, 37-1-319, 37-10-202, MCA; IMP, 37-1-131, 37-1-306, MCA; Eff. 12/31/72; AMD, Eff. 8/4/74; AMD, 1979 MAR p. 738, Eff. 7/13/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 152, Eff. 1/28/94; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 1998 MAR p. 925, Eff. 4/17/98; AMD, 1999 MAR p. 2760, Eff. 12/3/99; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.2105 through 24.168.2114 reserved

24.168.2115 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) The renewal date for an optometrist license is the date set by ARM 24.101.413.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-141, 37-10-202, MCA; IMP, 37-1-141, MCA; NEW, 2006 MAR p. 1583, Eff. 7/1/06.)

Subchapter 22 reserved

## Subchapter 23

## Unprofessional Conduct

24.168.2301 UNPROFESSIONAL CONDUCT (1) Unprofessional conduct includes but is not limited to the following items or combination thereof:

- (a) making a false or misleading statement regarding the licensee's skill or the efficacy or value of the medicine, device, treatment, or remedy prescribed by or used at the licensee's direction in the treatment of any disease or other condition;
- (b) negligence in the practice of optometry as determined by the board;
- (c) gross incompetence in the practice of optometry as determined by the board;
- (d) a pattern of practice or other behavior that demonstrates rendering of substandard care, either individually or as part of a third-party reimbursement agreement or any other agreement;
- (e) commission of any act of sexual abuse, misconduct, or exploitation related to the licensee's practice of optometry;
- (f) prescribing, selling, administering, distributing, or giving any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than accepted diagnostic or therapeutic purposes;
- (g) prescribing, selling, administering, distributing, or giving a drug legally classified as a controlled substance or as an addictive or dangerous drug to self or a family member;
- (h) violating any state or federal law or regulation relating to a drug legally classified as a controlled substance;
- (i) obtaining any fee by fraud, deceit, or misrepresentation;
- (j) sanctions or disciplinary actions taken by a peer review body, a hospital or other health care institution, or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in Title 37, chapters 1 and 10, MCA, and administrative rules promulgated thereunder;
- (k) surrender of a license or authorization to practice optometry in another state or jurisdiction, or surrender of membership on any staff or in any professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in Title 37, chapters 1 and 10, MCA, and administrative rules promulgated thereunder;
- (l) any adverse judgment, award, or settlement against the licensee resulting from a professional liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in Title 37, chapters 1 and 10, MCA, and administrative rules promulgated thereunder;



(m) failure to furnish the board, its investigators, or representatives, information legally requested by the board;

(n) violation of any provision(s) of Title 37, chapter 10, MCA, or the rules and regulations of the board or of an action, stipulation, or agreement of the board;

(o) the designation of any person licensed under Title 37, chapter 10, MCA, other than by the terms "Optometrist," "Doctor of Optometry," or "O.D.";

(p) for a licensee to knowingly submit or cause to be submitted any misleading, deceptive, or fraudulent representation on a claim form, bill, or statement;

(q) for any person to sell, or offer to sell, any eyeglasses or lenses for the correction of refractive error except on prescription of a licensed optometrist or licensed physician;

(r) providing ophthalmic lenses and materials that do not meet federally established impact resistance standards; or

(s) persistently maintaining, in the practice of optometry, unsanitary offices, practices, or techniques. (History: 37-1-319, 37-10-202, MCA; IMP, 37-1-316, 37-1-319, 37-10-301, MCA; NEW, 1990 MAR p. 2176, Eff. 12/14/90; AMD, 1997 MAR p. 305, Eff. 2/11/97; AMD, 2001 MAR p. 659, Eff. 4/27/01; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2008 MAR p. 2181, Eff. 10/10/08.)

Rules 24.168.2302 and 24.168.2303 reserved

24.168.2304 COMPLAINT PROCEDURE (REPEALED) (History: 37-10-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1997 MAR p. 305, Eff. 2/11/97; TRANS, from Commerce, 2003 MAR p. 2083; REP, 2007 MAR p. 296, Eff. 3/9/07.)

Rules 24.168.2305 and 24.168.2306 reserved

24.168.2307 SCREENING PANEL (1) The board screening panel shall consist of at least two board members including the optometrist board member who has served longest on the board, and the public member of the board. The chairperson may reappoint screening panel members, or replace screening panel members as necessary at the chairperson's discretion.

(2) The screening panel shall not review anonymous complaints. (History: 37-10-202, MCA; IMP, 37-1-307, MCA; NEW, 1997 MAR p. 305, Eff. 2/11/97; TRANS, from Commerce, 2003 MAR p. 2083; AMD, 2007 MAR p. 296, Eff. 3/9/07.)